

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION

JUL 17 2006

JOHN F. CORCORAN, CLERK
BY: *H. McDonald*
DEPUTY CLERK

EAST TENNESSEE NATURAL GAS CO.,)
vs.)
Plaintiff,)
vs.) Civil Action No. 4:02-CV-00171
1.26 ACRES IN PATRICK COUNTY,)
VIRGINIA, HEIRS AT LAW OF MILES)
TATUM, C. JERRY LOVE,)
COMMISSIONER OF REVENUE,)
JOHN DOE, et al. and UNKNOWN)
OWNERS,)
Defendants.)

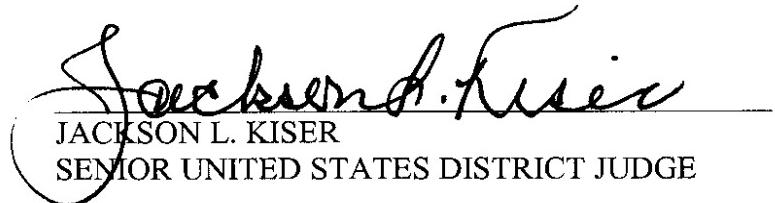
ORDER GRANTING SUMMARY JUDGMENT

This matter was heard on July 7, 2006 before the Honorable Jackson L. Kiser, Judge of the United States District Court for the Western District of Virginia, on East Tennessee Natural Gas Company's (now known as East Tennessee Natural Gas, LLC) Motion for Summary Judgment. After a review of the record before the Court and hearing statements from counsel and Christine Johnson, the Court is of the opinion that the motion is well taken and should be granted. The Court is also of the opinion that all persons potentially having an interest in this property were provided notice and an opportunity to be heard on this matter.

Accordingly, IT IS ORDERED that East Tennessee Natural Gas Company (now known as East Tennessee Natural Gas, LLC) pay just compensation for the property interests it acquired in the amount of Twenty-Three Thousand Four Hundred Seventy-Five Dollars (\$23,475.00). These funds shall be deposited into the registry of the Court in an interest-bearing account and held there

until such time as Defendants establish to this Court their legal interest in the property and their entitlement to said funds. All other matters as to East Tennessee Natural Gas Company (now known as East Tennessee Natural Gas, LLC) are finally resolved.

Entered this 17th day of July, 2006.


JACKSON L. KISER
SENIOR UNITED STATES DISTRICT JUDGE

SUBMITTED FOR ENTRY:

s/Lela M. Hollabaugh

Lela M. Hollabaugh (#14894)
Michael S. Mizell (#18812)
Waller Lansden Dortch & Davis, LLP
511 Union Street, Suite 2700
Nashville, TN 37219
Telephone: (615) 244-6380
Facsimile: (615) 244-6804
Email: lhollabaugh@wallerlaw.com

Daniel S. Brown (VSB # 3327)
Woods Rogers & Hazlegrove
10 S. Jefferson Street, Ste. 1400
Roanoke, VA 24038
Telephone: (540) 983-7600
Facsimile: (540) 983-7711

Attorneys for *East Tennessee Natural Gas, LLC*

CERTIFICATE OF SERVICE

I hereby certify that on July 10, 2006, a copy of the foregoing Order Granting Summary Judgment on Claims Against Heirs of Miles Tatum was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

Christine Johnson
1070 Penn Store Road
Spencer, Virginia 24165

Ollie G. Tatum
500 West Price Street
Madison, NC 27205

Mattie Zigler Moore
220 Old Stoneville By-Pass
Rockingham, NC 27048

Nannie E. Forster Palm
3610 Duke Street
Kalamazoo, MI 48009

Lucy Foster Frazier
582 Myers Road
Columbus, OH 43230

Syble Tatum Clark
298 Boaz Pond Lane
Stuart, VA 24171-2725

Felicia Tatum Frieson
23 Westbury Drive
Cherry Hill, New Jersey 08003-1017

Claudia Zigler Simmons
2311 Horse Shoe Road
Westfield, NC 27053

Annie Mae Foster Martin
Helmbright Drive
Gahanna, OH 43230

Tracey Redd Moreno
861 Wagon Trail Road
Ridgeway, VA 24148

s/Lela M. Hollabaugh